



International Human Rights Law

Volume 3

Fall 2010 Adjunct Professor Jennifer Orange

BUTÁ LÁSKIN LAW LIBRARY

AUG 20 2010

FACULTY OF LAW
UNIVERSITY OF TORONTO

International Human Rights Law

Volume 3

Fall 2010 Adjunct Professor Jennifer Orange Digitized by the Internet Archive in 2018 with funding from University of Toronto

International Human Rights Law Syllabus Fall 2010

Class	1
	_

What are Human Rights?		Page #
a.	Jerome J. Shestack, "The Philosophic Foundations of Human Rights", <i>Human Rights Quarterly</i> 20 (1998) 201-234	1
b.	Jack Donnelly, <i>Universal Human Rights in Theory and Practice</i> (New York: Cornell, 1989) 9-27	35
	Martti Koskenniemi, Human Rights, Politics and Love," Mennesker & Rettigheter (The Nordic Journal Of Human Rights) 4/2001 pp. 33-45 (also reprinted in: Finnish Yearbook of International Law, Vol. 13 (2002) pp. 79-94	46
d.	Richard Rorty, "Human Rights, Rationality and Sentimentality" in S Shute and S Hurley, eds, <i>On Human Rights: The Oxford Amnesty Lectures 1993</i> , Basic Books, New York, 1993, pp. 111-134	55
Class	2	
Histor	rical Development	
	Document: Universal Declaration of Human Rights	68
	Lynn Hunt, Inventing Human Rights: A History (New York: Norton, 2007) 113-145, 176-200	74
c.	Mark Mazower, "The Strange Triumph of Human Rights, 1933-1950" <i>The Historical Journal</i> , Vol. 47 (2004) pp. 379-398	105
d.	Charles Taylor, "Conditions of an Unforced Consensus on Human Rights", in Joanne A. Bauer and Daniel A. Bell, <i>The East Asian Challenge for Human Rights</i> (Cambridge: Cambridge University Press, 1999), p.124	115
e.	Makau Mutua, "The Limits of Rights Discourse" in <i>Human Rights: A Political and Cultural Critique</i> (University of Pennsylvania: Philadelphia, 2002) pp. 126-	126
	153	
Class	3	
Cultu	ral Relativism: theoretical underpinnings	
a.	Michael J. Perry, "Are Human Rights Universal? The Relativist Challenge and Related Matters", (1997) 19 <i>Human Rights Quarterly</i> 461	155
	Jack Donnelly, "Cultural Relativism And Universal Human Rights", (1984) 6 Human Rights Quarterly 400	205
c.	Guyora Binder, "Cultural Relativism and Cultural Imperialism in Human Rights Law", (1999) 5 Buffalo Human Rights Law Review 211	225
d.	Amartya Sen, "Human Rights and Asian Values," The New Republic, July 14-21, 1997	233

Class 4

Cultural	Relativism	and Women's	s Rights
----------	------------	-------------	----------

a.	Radhika Coomaraswamy, "Identity Within: Cultural Relativism, Minority Rights	244
	and the Empowerment of Women", (2002) 34 Wash. Int'l L. Rev 483	
b.	Erika George, "Virginity Testing and South Africa's HIV/AIDS Crisis: Beyond	260
	Rights Universalism and Cultural Relativism, Toward Health Capabilities",	
	(2008) 96 Cal. L. Rev. 1447	
c.	Heather Johnson, "There are worse things than being alone: Polygamy in Islam,	331
	Past, Present and Future", (Spring 2005) 11 William & Mary Journal of Women	
	and the Law, 563 [footnotes excluded]	
d.	Jason D. Berkowitz, "Beneath the Veil of Mormonism: Uncovering the Truth	348
	About Polygamy in the United States and Canada", (Spring 2007) 38 University	
	of Miami Inter-American Law Review 615	

Class 5

Human Rights and the Interstate System

1.	Documents:	
	a. United Nations Charter, Arts 1, 2, 55-74	361
	b. United Nations General Assembly, Resolution 60/251, establishing the	375
	Human Rights Council, 3 April 2006	
o .	Christian Tomushcat, Human Rights between Idealism and Realism (Oxford	379
	University Press: Oxford, 2004), pp. 112-131	
Э.	Hurst Hannum, ed., Guide to International Human Rights Practice, Transnational	389
	Publishers: New Jersey, 2004 [4 th edition], pp. 43-89	
d.	Philip Alston, "Reconceiving the UN Human Rights Regime: Challenges	412
	Confronting the New Human Rights Council," Center for Human Rights and	
	Global Justice Working Paper, Number 4, 2006	
€.	Jack Donnelly, Universal Human Rights in Theory and Practice (New York:	452
	Cornell, 1989) 28-45	

Class 6

Civil a	and Political Rights	
The In	iternational Covenant on Civil and Political Rights (ICCPR)	
•	The Nature of Obligations	462
a.	ICCPR	

b.	Manfred Nowak. CCPR Commentary (NP Engel: Kehl am Rhein, 2005) pp. 27-30, 34-46, 57-72	469
•	Extraterritoriality	
a.	ICCPR, Art. 2(1)	462
D.	Marc Bossuyt, Guide to the Traveaux Preparatoires" of the International Covenant on Civil and Political Rights (Martinus Nijhoff: Dordrecht, 1987) pp. 52-56	488
c.	Nowak, CCPR Commentary, pp. 43-45 (re-read)	494
d.	Declassified U.S. government documents (6 pages)	
e.	Human Rights Committee: Lopez Burgos v. Uruguay (1981) and Concluding Observations on the Report of the State of Israel (2003)	500
f.	ICJ, Legal Consequences of the Construction of a Wall in Occupied Palestinian Territory (2004), paras. 102-113	514
•	The Human Rights Committee	
a.	ICCPR, Arts 28-41; Optional Protocol I	523
b.	Henry Steiner, Philip Alston and Ryan Goodman, International Human Rights: Law, Politics, Morals (forthcoming, 2007) extract	527
•	Human Rights Committee: General Comments	
a.	Philip Alston, "The Historical Origins of the Concept of 'General Comments' in Human Rights Law" in L. Boissons de Chazournes and V. Gowland Debbas, eds, The International Legal System in Quest of Equity and Universality: Liber Americorum Georges Abi-Saab (2001), extracted in Steiner, Alston and	535
1	Goodman, forthcoming 2007	~ A1
b.	Human Rights Committee: General Comment 31	541
Class	7	
Derog	gations in Times of Public Emergency (Article 4)	
a. b.	Human Rights Committee, General Comment 29 Human Rights Committee, <i>Jorge Landinelli Silva et al v. Uruguay</i> , Communication No. 34/1978 (8 April 1981), U.N. Doc CCPR/C/OP/1 at 65 (1984)	546 554
Right	to Life (Article 6)	
a.	Human Rights Committee, General Comment 6	557
b.		559
c.	Human Rights Committee, Pedro Pablo Camargo v. Colombia [Guerrero v. Colombia] Communication No. 45/1979, U.N. Doc CCPR/C/OP/1 at 112 (1985)	563

Federation, Communication No. 763/1997, U.N. Doc. CCPR/C/74/D/763/1997 (2002)	575
Class 8	
The Prohibition on Torture and Inhumane Treatment (Article 7)	
 a. Human Rights Committee, General Comment 20 b. Nowak, CCPR Commentary, pp. 161-168, 172-185 c. Steiner, Alston and Goodman, International Human Rights in Context: Law, Politics, Morals: text and materials, 3rd ed. (Oxford: Oxford University Press, 2008), pp. 226-261 d. Memorandum of Jay S. Bybee, Assistant Attorney General, U.S. Department of Justice to Alberto R. Gonzales, Counsel to the President re: Standards of Conduct 	579 582 594
for Interrogation under 18 U.S.C. ss. 2340-2340A, August 1, 2002, pp. 1-8 and 46 e. R. Jeffrey Smith and Dan Egan, "Justice Expands 'Torture' Definition", Washington Post, December 31, 2004; page A01	621
f. Human Rights Committee, Boucherf v. Algeria, Communication No. 1196/2003, CCPR/c/86/D/1196/2003 (2006)	623
g. Human Rights Committee, Alzery v. Sweden, Communication No. 1416/2005, UN Doc. CCPR/C/88/D/1416/2005 (2006)	636
Class 9	
Economic, Social and Cultural Rights	
The International Covenant on Economic, Social and Cultural Rights (ICESCR)	
a. Steiner, Alston and Goodman, <i>International Human Rights in Context: Law</i> , <i>Politics, Morals: text and materials</i> , 3 rd ed. (Oxford: Oxford University Press, 2008), pp. 263-273 and 283-289	677
 Politics, Morals: text and materials, 3rd ed. (Oxford: Oxford University Press, 2008), pp. 263-273 and 283-289 b. Issa Shivji, "Constructing a New Rights Regime: Promises, Problems and Prospects," (1999) 8 Social and Legal Studies, 253-262 	677 687 697
 Politics, Morals: text and materials, 3rd ed. (Oxford: Oxford University Press, 2008), pp. 263-273 and 283-289 b. Issa Shivji, "Constructing a New Rights Regime: Promises, Problems and Prospects," (1999) 8 Social and Legal Studies, 253-262 c. ICESCR d. Optional Protocol to the ICESCR, G.A. Res. A/RES/63/117, adopted December 	687
 Politics, Morals: text and materials, 3rd ed. (Oxford: Oxford University Press, 2008), pp. 263-273 and 283-289 b. Issa Shivji, "Constructing a New Rights Regime: Promises, Problems and Prospects," (1999) 8 Social and Legal Studies, 253-262 c. ICESCR 	687 697
 Politics, Morals: text and materials, 3rd ed. (Oxford: Oxford University Press, 2008), pp. 263-273 and 283-289 b. Issa Shivji, "Constructing a New Rights Regime: Promises, Problems and Prospects," (1999) 8 Social and Legal Studies, 253-262 c. ICESCR d. Optional Protocol to the ICESCR, G.A. Res. A/RES/63/117, adopted December 10, 2008 e. Committee on Economic, Social and Cultural Rights, General Comment No. 3 	687 697 701
 Politics, Morals: text and materials, 3rd ed. (Oxford: Oxford University Press, 2008), pp. 263-273 and 283-289 b. Issa Shivji, "Constructing a New Rights Regime: Promises, Problems and Prospects," (1999) 8 Social and Legal Studies, 253-262 c. ICESCR d. Optional Protocol to the ICESCR, G.A. Res. A/RES/63/117, adopted December 10, 2008 e. Committee on Economic, Social and Cultural Rights, General Comment No. 3 (1990), Nature of States' Parties Obligations 	687 697 701

c.	General Comment No. 14 "Health" in Susan Marks and Andrew Plapham, <i>International Human Rights Lexicon</i> (Oxford University Press: Oxford, 2006) pp. 197-208 Soobramoney v. Minister of Health, Kwa-Zulu Natal, Constitutional Court of South Africa, CCT 8/02 (5 July 2002) [excerpts] Minister of Health v. Treatment Action Campaign (No. 2), Constitutional Court of South Africa, CCT 8/02 (5 July 2002) [excerpts]	714 732 740 749
The R	light to Food	
b. c. d.	ICESCR, Art. 11 General Comment No. 12 "Food" in Marks and Clapham, pp. 163-178 Jean Drèze, "Democracy and the Right to Food" in Alston and Robinson, eds., pp. 45-64 Interim Order, Supreme Court of India, <i>PUCL v. Union of India</i> (May 2003)	697 777 785 794 806
Class	11	
The R	Eight to Water	
b. с. d.	General Comment No. 15 (2002) World Water Council, "The Right to Water: From concept to implementation", 2006, pp. 1-16 Friends of the Right to Water, "Key Principles for an International Treaty on the Right to Water", Draft, April 2005 "What Price for the Priceless?: Implementing the Justiciability of the Right to Water", edited by The Harvard Law Review Association, (2007) 120 Harvard Law Review 1067 "Canada Foils UN Water Plan", Toronto Star, April 2, 2008 "Five things you should know about Canada's position on the right to water", Council of Canadians, updated July 26, 2010, http://www.canadians.org/water/issues/right/Canada.html	812 830 849 859 881 884
Class	12	
Huma	nn Rights and the Environment: Climate Change	
a.	Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights, A/HRC/10/61, January 15, 2009	886

D.	being and Human Rights", Government of Canada, Discussion Paper, June 2010, www.pri-prp.gc.ca [excerpt]	918
In	uit Petition to the Inter-American Commission on Human Rights	
a.	Summary of Inuit Petition, http://www.earthjustice.org/library/legal_docs/summary-of-inuitpetition-to-inter-american-council-on-human-rights.pdf	931
b.	IACHR Testimony by Sheila Watt-Cloutier, http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-sheila-watt-cloutier.pdf	939
C.	IACHR Testimony by Martin Wagner, http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-martin-wagner.pdf	943
d.	IACHR Testimony by Don Goldberg, http://www.earthjustice.org/library/legal_docs/testimony-before-iachron-global-warming-human-rights-by-donald-goldberg.pdf	949
e.	Hari M. Osofsky, "The Inuit Petition as a Bridge? Beyond Dialectics of Climate Change and Indigenous Peoples' Rights", (2006/2007) <i>American Indian Law Review</i> Vol. 31 No. 2 675	951